

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 630

Introduced by Senators Pavley, *Gaines*, and Steinberg

February 22, 2013

An act to amend Section 66801 of, ~~and~~ to add Section 66802 to, *and to add and repeal Section 67126 of*, the Government Code, relating to the California Tahoe Regional Planning Agency.

LEGISLATIVE COUNSEL'S DIGEST

SB 630, as amended, Pavley. California Tahoe Regional Planning Agency.

~~Existing~~

(1) *Existing* law ratified the "Tahoe Regional Planning Compact," a bilateral agreement between the States of Nevada and California to regulate development in the Lake Tahoe basin. The compact established the Tahoe Regional Planning Agency as a separate legal entity, comprised of members from the States of Nevada and California, responsible for implementing a "regional plan," as defined, regulating development in the Lake Tahoe region, as defined.

Existing law also creates the California Tahoe Regional Planning Agency as a separate legal entity and as a political subdivision of the State of California, and prescribes the membership, functions, and duties of the agency, as specified. Existing law requires the agency, within 18 months of its formation, to prepare, adopt, and review and maintain a comprehensive long-term general plan for the development of the Tahoe region, referred to as the "regional plan," as prescribed.

This bill would make legislative findings and declarations relating to an agreement between the Governors of the States of Nevada and California covering the implementation of the Tahoe Regional Planning Compact that was jointly announced by the governors of these states on May 14, 2013, which is proposed to be codified in specified legislation in Nevada and California. The bill would declare that the State of Nevada has agreed to repeal its 2011 statutory provisions requiring its withdrawal from the Tahoe Regional Planning Compact and proposing a change in the voting structure of the Tahoe Regional Planning Agency.

Existing law, contained in the bistate Tahoe Regional Planning Compact in the Government Code, requires that within one year after adoption of environmental threshold carrying capacities for the Tahoe region, the Tahoe Regional Planning Agency to amend its regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules, and regulations, achieves and maintains the adopted environmental threshold carrying capacities, and requires that the advisory planning commission appointed by the agency and the governing body of the agency continuously review and maintain the regional plan.

This bill would revise the compact to require that, in reviewing and maintaining the plan, the planning commission and the governing body also ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce. The bill would further revise the compact to require that, when adopting or amending a regional plan or taking an action or making a decision, the agency act in accordance with the requirements of the compact and its implementing ordinances, rules, and regulations and to place upon a party challenging any element of the regional plan, or an action or decision of the agency, the burden of showing that the regional plan is not in conformance with those requirements.

This bill would require the California Tahoe Regional Planning Agency, until January 1, 2018, to annually prepare and submit to the Department of Finance and the appropriate legislative budget committees a report, in a format established by the department, of the revenues provided to the agency by the States of Nevada and California, including a complete summary and explanation of the expenditure of the revenues received and expended by the agency.

—The

(2) *This* bill would not become effective unless, on or before January 1, 2014, the Governor issues a written declaration stating that the State of Nevada has enacted substantially similar legislation to the bill, and that the Nevada legislation became effective on or before January 1, 2014.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Since 1980, the States of Nevada and California have
4 cooperated in protecting Lake Tahoe's exceptional natural
5 resources by having a single entity, the Tahoe Regional Planning
6 Agency (TRPA), be responsible for regulating development in the
7 Tahoe Basin. The states and Congress created the Tahoe Regional
8 Planning Agency through the Tahoe Regional Planning Compact,
9 as prescribed in Title 7.4 (commencing with Section 66800) of the
10 Government Code (bistate compact). It is the intent of the
11 Legislature to maintain that cooperation by having a single entity
12 continue to regulate development in the Tahoe Basin. A single
13 entity will continue to enhance the efficiency and governmental
14 effectiveness of the region, and thereby help to maintain the social
15 and economic health of the region by protecting, preserving, and
16 enhancing the region's unique environmental and ecological values.

17 (b) The States of California and Nevada have agreed to
18 ~~recommend to Congress~~ two amendments to the bistate compact.
19 One proposed amendment would clarify that a party challenging
20 the Tahoe Regional Planning Agency regional plan or an action
21 of the Tahoe Regional Planning Agency has the burden of proof.
22 The second proposed amendment, *upon ratification by Congress*,
23 would direct the agency to ensure that the regional plan reflects
24 economic considerations in the Tahoe basin. The purpose of this
25 act, as summarized in this section, is to ensure the continuation of
26 the bistate compact and the Tahoe Regional Planning Agency.

27 (c) An agreement between the Governors of the States of
28 California and Nevada relating to the implementation of the bistate
29 compact was jointly announced by the governors of those states
30 on May 14, 2013, and the agreement is proposed to be codified in

1 2013 in Senate Bill 229 in Nevada and Senate Bill 630 in
2 California. *Nevada Senate Bill 229 was signed into law on June*
3 *6, 2013 (Chapter 424, Nevada Statutes, 2013), by Nevada*
4 *Governor Brian Sandoval.*

5 (d) As part of that agreement between the two states, the State
6 of Nevada has agreed to repeal its 2011 statutory provisions
7 requiring its withdrawal from the bistate compact and a proposed
8 change in the voting structure of the Tahoe Regional Planning
9 Agency.

10 ~~(e) As an additional part of the agreement between the two~~
11 ~~states, the April 2, 2013 version of Senate Bill 630, which proposed~~
12 ~~the reestablishment of California-only Tahoe Regional Planning~~
13 ~~Agency as a backup plan in the event of the withdrawal of Nevada~~
14 ~~from the bistate compact, will not be enacted.~~

15 (f)

16 (e) The agreement between the two states also includes
17 provisions that specify that the two states will cooperate in
18 implementing the new regional plan update of the Tahoe Regional
19 Planning Agency that was adopted in December 2012. The States
20 of California and Nevada also reaffirmed the provisions of the
21 bistate compact that allow each state to withdraw from the compact.

22 SEC. 2. Section 66801 of the Government Code is amended
23 to read:

24 66801. The provisions of this interstate compact executed
25 between the States of Nevada and California are as follows:

26
27 TAHOE REGIONAL PLANNING COMPACT
28 ARTICLE I. FINDINGS AND DECLARATIONS OF POLICY
29

30 (a) It is found and declared that:

31 (1) The waters of Lake Tahoe and other resources of the region
32 are threatened with deterioration or degeneration, which endangers
33 the natural beauty and economic productivity of the region.

34 (2) The public and private interests and investments in the region
35 are substantial.

36 (3) The region exhibits unique environmental and ecological
37 values which are irreplaceable.

38 (4) By virtue of the special conditions and circumstances of the
39 region's natural ecology, developmental pattern, population

1 distribution and human needs, the region is experiencing problems
2 of resource use and deficiencies of environmental control.

3 (5) Increasing urbanization is threatening the ecological values
4 of the region and threatening the public opportunities for use of
5 the public lands.

6 (6) Maintenance of the social and economic health of the region
7 depends on maintaining the significant scenic, recreational,
8 educational, scientific, natural, and public health values provided
9 by the Lake Tahoe Basin.

10 (7) There is a public interest in protecting, preserving and
11 enhancing these values for the residents of the region and for
12 visitors to the region.

13 (8) Responsibilities for providing recreational and scientific
14 opportunities, preserving scenic and natural areas, and safeguarding
15 the public who live, work and play in or visit the region are divided
16 among local governments, regional agencies, the States of
17 California and Nevada, and the federal government.

18 (9) In recognition of the public investment and multistate and
19 national significance of the recreational values, the federal
20 government has an interest in the acquisition of recreational
21 property and the management of resources in the region to preserve
22 environmental and recreational values, and the federal government
23 should assist the states in fulfilling their responsibilities.

24 (10) In order to preserve the scenic beauty and outdoor
25 recreational opportunities of the region, there is a need to ~~insure~~
26 *ensure* an equilibrium between the region's natural endowment
27 and its manmade environment.

28 (b) In order to enhance the efficiency and governmental
29 effectiveness of the region, it is imperative that there be established
30 a Tahoe Regional Planning Agency with the powers conferred by
31 this compact including the power to establish environmental
32 threshold carrying capacities and to adopt and enforce a regional
33 plan and implementing ordinances which will achieve and maintain
34 such capacities while providing opportunities for orderly growth
35 and development consistent with such capacities.

36 (c) The Tahoe Regional Planning Agency shall interpret and
37 administer its plans, ordinances, rules and regulations in accordance
38 with the provisions of this compact.

ARTICLE II. DEFINITIONS

As used in this compact, the following terms have the following meanings:

(a) “Region,” includes Lake Tahoe, the adjacent parts of Douglas and Washoe Counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) “Agency” means the Tahoe Regional Planning Agency.

(c) “Governing body” means the governing board of the Tahoe Regional Planning Agency.

(d) “Regional plan” means the long-term general plan for the development of the region.

(e) “Planning commission” means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) “Gaming” means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) “Restricted gaming license” means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

1 (h) “Project” means an activity undertaken by any person,
2 including any public agency, if the activity may substantially affect
3 the land, water, air, space or any other natural resources of the
4 region.

5 (i) “Environmental threshold carrying capacity” means an
6 environmental standard necessary to maintain a significant scenic,
7 recreational, educational, scientific or natural value of the region
8 or to maintain public health and safety within the region. Such
9 standards shall include but not be limited to standards for air
10 quality, water quality, soil conservation, vegetation preservation
11 and noise.

12 (j) “Feasible” means capable of being accomplished in a
13 successful manner within a reasonable period of time, taking into
14 account economic, environmental, social and technological factors.

15 (k) “Areas open to public use” means all of the areas within a
16 structure housing gaming under a nonrestricted license except
17 areas devoted to the private use of guests.

18 (l) “Areas devoted to private use of guests” means hotel rooms
19 and hallways to serve hotel room areas, and any parking areas. A
20 hallway serves hotel room areas if more than 50 percent of the
21 areas of each side of the hallway are hotel rooms.

22 (m) “Nonrestricted license” means a gaming license which is
23 not a restricted gaming license.

24
25 ARTICLE III. ORGANIZATION
26

27 (a) There is created the Tahoe Regional Planning Agency as a
28 separate legal entity.

29 The governing body of the agency shall be constituted as follows:

30 (1) California delegation:

31 (A) One member appointed by each of the County Boards of
32 Supervisors of the Counties of El Dorado and Placer and one
33 member appointed by the City Council of the City of South Lake
34 Tahoe. Any such member may be a member of the county board
35 of supervisors or city council, respectively, and shall reside in the
36 territorial jurisdiction of the governmental body making the
37 appointment.

38 (B) Two members appointed by the Governor of California,
39 one member appointed by the Speaker of the Assembly of
40 California and one member appointed by the Senate Rules

1 Committee of the State of California. The members appointed
2 pursuant to this subparagraph shall not be residents of the region
3 and shall represent the public at large within the State of California.
4 A member appointed by the Speaker of the Assembly or the Senate
5 Rules Committee may, subject to confirmation by his or her
6 appointing power, designate an alternate to attend meetings and
7 vote in the absence of the appointed member. The designation of
8 a named alternate, which shall be in writing and contain evidence
9 of confirmation by the appointing power, shall be kept on file with
10 the agency. An appointed member may change his or her alternate
11 from time to time, with the confirmation of the appointing power,
12 but shall have only one designated alternate at a time. An alternate
13 shall be subject to those qualifications and requirements prescribed
14 by this compact that are applicable to the appointed member.

15 (2) Nevada delegation:

16 (A) One member appointed by each of the boards of county
17 commissioners of Douglas and Washoe Counties and one member
18 appointed by the Board of Supervisors of Carson City. Any such
19 member may be a member of the board of county commissioners
20 or board of supervisors, respectively, and shall reside in the
21 territorial jurisdiction of the governmental body making the
22 appointment.

23 (B) Two members appointed by the Governor of Nevada, one
24 member appointed by the Speaker of the Assembly and one
25 member appointed by the Majority Leader of the Nevada Senate.
26 All members appointed pursuant to this subparagraph shall not be
27 residents of the region and shall represent the public at large within
28 the State of Nevada. A member appointed by the Speaker of the
29 Nevada Assembly or the Majority Leader of the Nevada Senate
30 may, subject to confirmation by his or her appointing power,
31 designate an alternate to attend meetings and vote in the absence
32 of the appointed member. The designation of a named alternate,
33 which shall be in writing and contain evidence of confirmation by
34 the appointing power, shall be kept on file with the agency. An
35 appointed member may change his or her alternate from time to
36 time, with the confirmation of the appointing power, but shall have
37 only one designated alternate at a time. An alternate shall be subject
38 to those qualifications and requirements prescribed by this compact
39 that are applicable to the appointed member.

1 (3) If any appointing authority under—subparagraphs
2 *subparagraph* (A) and (B) of paragraph (1) and subparagraphs (A)
3 or (B) of paragraph (2) fails to make such an appointment within
4 60 days after the effective date of the amendments to this compact
5 or the occurrence of a vacancy on the governing body, the governor
6 of the state in which the appointing authority is located shall make
7 the appointment. The term of any member so appointed shall be
8 one year.

9 (4) The position of any member of the governing body shall be
10 deemed vacant if such a member is absent from three consecutive
11 meetings of the governing body in any calendar year.

12 (5) Each member and employee of the agency shall disclose his
13 or her economic interests in the region within 10 days after taking
14 his or her seat on the governing board or being employed by the
15 agency and shall thereafter disclose any further economic interest
16 which he or she acquires, as soon as feasible after he or she
17 acquires it. As used in this paragraph, “economic interests” means:

18 (A) Any business entity operating in the region in which the
19 member or employee has a direct or indirect investment worth
20 more than one thousand dollars (\$1,000).

21 (B) Any real property located in the region in which the member
22 or employee has a direct or indirect interest worth more than one
23 thousand dollars (\$1,000).

24 (C) Any source of income attributable to activities in the region,
25 other than loans by or deposits with a commercial lending
26 institution in the regular course of business, aggregating two
27 hundred fifty dollars (\$250) or more in value received by or
28 promised to the member within the preceding 12 months; or

29 (D) Any business entity operating in the region in which the
30 member or employee is a director, officer, partner, trustee,
31 employee or holds any position of management.

32 No member or employee of the agency shall make, or attempt
33 to influence, an agency decision in which he or she knows or has
34 reason to know he or she has an economic interest. Members and
35 employees of the agency must disqualify themselves from making
36 or participating in the making of any decision of the agency when
37 it is reasonably foreseeable that the decision will have a material
38 financial effect, distinguishable from its effect on the public
39 generally, on the economic interests of the member or employee.

1 (b) The members of the agency shall serve without
2 compensation, but the expenses of each member shall be met by
3 the body which he or she represents in accordance with the law of
4 that body. All other expenses incurred by the governing body in
5 the course of exercising the powers conferred upon it by this
6 compact unless met in some other manner specifically provided,
7 shall be paid by the agency out of its own funds.

8 (c) The members of the governing body serve at the pleasure
9 of the appointing authority in each case, but each appointment
10 shall be reviewed no less often than every four years. Members
11 may be reappointed.

12 (d) The governing body of the agency shall meet at least
13 monthly. All meetings shall be opened to the public to the extent
14 required by the law of the State of California or the State of
15 Nevada, whichever imposes the greater requirement, applicable
16 to local governments at the time such meeting is held. The
17 governing body shall fix a date for its regular monthly meeting in
18 such terms as “the first Monday of each month,” and shall not
19 change such date more often than once in any calendar year. Notice
20 of the date so fixed shall be given by publication at least once in
21 a newspaper or combination of newspapers whose circulation is
22 general throughout the region and in each county a portion of
23 whose territory lies within the region. Notice of any special
24 meeting, except an emergency meeting, shall be given by so
25 publishing the date and place and posting an agenda at least five
26 days prior to the meeting.

27 (e) The position of a member of the governing body shall be
28 considered vacated upon his or her loss of any of the qualifications
29 required for his or her appointment and in such event the appointing
30 authority shall appoint a successor.

31 (f) The governing body shall elect from its own members a
32 ~~chairman and vice chairman~~ *chairperson and vice chairperson*,
33 whose terms of office shall be two years, and who may be
34 reelected. If a vacancy occurs in either office, the governing body
35 may fill such vacancy for the unexpired term.

36 (g) Four of the members of the governing body from each state
37 constitute a quorum for the transaction of the business of the
38 agency. The voting procedures shall be as follows:

39 (1) For adopting, amending or repealing environmental threshold
40 carrying capacities, the regional plan, and ordinances, rules and

1 regulations, and for granting variances from the ordinances, rules
2 and regulations, the vote of at least four of the members of each
3 state agreeing with the vote of at least four members of the other
4 state shall be required to take action. If there is no vote of at least
5 four of the members from one state agreeing with the vote of at
6 least four of the members of the other state on the actions specified
7 in this paragraph, an action of rejection shall be deemed to have
8 been taken.

9 (2) For approving a project, the affirmative vote of at least five
10 members from the state in which the project is located and the
11 affirmative vote of at least nine members of the governing body
12 are required. If at least five members of the governing body from
13 the state in which the project is located and at least nine members
14 of the entire governing body do not vote in favor of the project,
15 upon a motion for approval, an action of rejection shall be deemed
16 to have been taken. A decision by the agency to approve a project
17 shall be supported by a statement of findings, adopted by the
18 agency, which indicates that the project complies with the regional
19 plan and with applicable ordinances, rules and regulations of the
20 agency.

21 (3) For routine business and for directing the agency's staff on
22 litigation and enforcement actions, at least eight members of the
23 governing body must agree to take action. If at least eight votes
24 in favor of such action are not cast, an action of rejection shall be
25 deemed to have been taken.

26 Whenever under the provisions of this compact or any ordinance,
27 rule, regulation or policy adopted pursuant thereto, the agency is
28 required to review or approve any project, public or private, the
29 agency shall take final action by vote, whether to approve, to
30 require modification or to reject such project, within 180 days after
31 the application for such project is accepted as complete by the
32 agency in compliance with the agency's rules and regulations
33 governing such delivery unless the applicant has agreed to an
34 extension of this time limit. If a final action by vote does not take
35 place within 180 days, the applicant may bring an action in a court
36 of competent jurisdiction to compel a vote unless he or she has
37 agreed to an extension. This provision does not limit the right of
38 any person to obtain judicial review of agency action under
39 subdivision (h) of Article VI. The vote of each member of the

1 governing body shall be individually recorded. The governing
2 body shall adopt its own rules, regulations and procedures.

3 (h) An advisory planning commission shall be appointed by the
4 agency. The commission shall include: the chief planning officers
5 of Placer County, El Dorado County, and the City of South Lake
6 Tahoe in California and of Douglas County, Washoe County and
7 Carson City in Nevada, the executive officer of the Lahontan
8 Regional Water Quality Control Board of the State of California,
9 the executive officer of the Air Resources Board of the State of
10 California, the Director of the State Department of Conservation
11 and Natural Resources of the State of Nevada, the Administrator
12 of the Division of Environmental Protection in the State
13 Department of Conservation and Natural Resources of the State
14 of Nevada, the Administrator of the Lake Tahoe Management Unit
15 of the United States Forest Service, and at least four lay members
16 with an equal number from each state, at least one-half of whom
17 shall be residents of the region. Any official member may designate
18 an alternate.

19 The term of office of each lay member of the advisory planning
20 commission shall be two years. Members may be reappointed.

21 The position of each member of the advisory planning
22 commission shall be considered vacated upon loss of any of the
23 qualifications required for appointment, and in such an event the
24 appointing authority shall appoint a successor.

25 The advisory planning commission shall elect from its own
26 members a ~~chairman and a vice chairman~~ *chairperson and a vice*
27 *chairperson*, whose terms of office shall be two years and who
28 may be reelected. If a vacancy occurs in either office, the advisory
29 planning commission shall fill such vacancy for the unexpired
30 term.

31 A majority of the members of the advisory planning commission
32 constitutes a quorum for the transaction of the business of the
33 commission. A majority vote of the quorum present shall be
34 required to take action with respect to any matter.

35 (i) The agency shall establish and maintain an office within the
36 region, and for this purpose the agency may rent or own property
37 and equipment. Every plan, ordinance and other record of the
38 agency which is of such nature as to constitute a public record
39 under the law of either the State of California or the State of

1 Nevada shall be opened to inspection and copying during regular
2 office hours.

3 (j) Each authority charged under this compact or by the law of
4 either state with the duty of appointing a member of the governing
5 body of the agency shall by certified copy of its resolution or other
6 action notify the Secretary of State of its own state of the action
7 taken.

8
9 ARTICLE IV. PERSONNEL

10
11 (a) The governing body shall determine the qualification of,
12 and it shall appoint and fix the salary of, the executive officer of
13 the agency, and shall employ such other staff and legal counsel as
14 may be necessary to execute the powers and functions provided
15 for under this compact or in accordance with any intergovernmental
16 contracts or agreements the agency may be responsible for
17 administering.

18 (b) Agency personnel standards and regulations shall conform
19 insofar as possible to the regulations and procedures of the civil
20 service of the State of California or the State of Nevada, as may
21 be determined by the governing body of the agency; and shall be
22 regional and bistate in application and effect; provided that the
23 governing body may, for administrative convenience and at its
24 discretion, assign the administration of designated personnel
25 arrangements to an agency of either state, and provided that
26 administratively convenient adjustments be made in the standards
27 and regulations governing personnel assigned under
28 intergovernmental agreements.

29 (c) The agency may establish and maintain or participate in such
30 additional programs of employee benefits as may be appropriate
31 to afford employees of the agency terms and conditions of
32 employment similar to those enjoyed by employees of California
33 and Nevada generally.

34
35 ARTICLE V. PLANNING

36
37 (a) In preparing each of the plans required by this article and
38 each amendment thereto, if any, subsequent to its adoption, the
39 planning commission after due notice shall hold at least one public
40 hearing which may be continued from time to time, and shall

1 review the testimony and any written recommendations presented
2 at such hearing before recommending the plan or amendment. The
3 notice required by this subdivision shall be given at least 20 days
4 prior to the public hearing by publication at least once in a
5 newspaper or combination of newspapers whose circulation is
6 general throughout the region and in each county a portion of
7 whose territory lies within the region.

8 The planning commission shall then recommend such plan or
9 amendment to the governing body for adoption by ordinance. The
10 governing body may adopt, modify or reject the proposed plan or
11 amendment, or may initiate and adopt a plan or amendment without
12 referring it to the planning commission. If the governing body
13 initiates or substantially modifies a plan or amendment, it shall
14 hold at least one public hearing thereon after due notice as required
15 in this subdivision.

16 If a request is made for the amendment of the regional plan by:

17 (1) A political subdivision a part of whose territory would be
18 affected by such amendment; or

19 (2) The owner or lessee of real property that would be affected
20 by such amendment, the governing body shall complete its action
21 on such amendment within 180 days after that request is accepted
22 as complete according to standards that must be prescribed by
23 ordinance of the agency.

24 (b) The agency shall develop, in cooperation with the States of
25 California and Nevada, environmental threshold carrying capacities
26 for the region. The agency should request the President's Council
27 on Environmental Quality, the United States Forest Service and
28 other appropriate agencies to assist in developing such
29 environmental threshold carrying capacities. Within 18 months
30 after the effective date of the amendments to this compact, the
31 agency shall adopt environmental threshold carrying capacities
32 for the region.

33 (c) Within one year after the adoption of the environmental
34 threshold carrying capacities for the region, the agency shall amend
35 the regional plan so that, at a minimum, the plan and all of its
36 elements, as implemented through agency ordinances, rules and
37 regulations, achieves and maintains the adopted environmental
38 threshold carrying capacities. Each element of the plan shall contain
39 implementation provisions and time schedules for such
40 implementation by ordinance. The planning commission and

governing body shall continuously review and maintain the regional plan, and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and include all of the following correlated elements:

(1) A land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space, and other natural resources within the region, including, but not limited to, an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including, but not limited to, parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region.

(B) To reduce to the extent feasible air pollution that is caused by motor vehicles.

~~Where~~ If increases in capacity are required, the agency shall give preference to providing—~~such~~ *that* capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the States of Nevada and California;

(B) Utilization of a light rail mass transit system in the south shore area; and

1 (C) Utilization of a transit terminal in the Kingsbury Grade area.
2 Until the regional plan is revised, or a new transportation plan
3 is adopted in accordance with this paragraph, the agency has no
4 effective transportation plan.

5 (3) A conservation plan for the preservation, development,
6 utilization, and management of the scenic and other natural
7 resources within the basin, including, but not limited to, soils,
8 shoreline and submerged lands, scenic corridors along
9 transportation routes, open spaces, recreational and historical
10 facilities.

11 (4) A recreation plan for the development, utilization, and
12 management of the recreational resources of the region, including,
13 but not limited to, wilderness and forested lands, parks and
14 parkways, riding and hiking trails, beaches and playgrounds,
15 marinas, areas for skiing and other recreational facilities.

16 (5) A public services and facilities plan for the general location,
17 scale and provision of public services and facilities, which, by the
18 nature of their function, size, extent and other characteristics are
19 necessary or appropriate for inclusion in the regional plan.

20 In formulating and maintaining the regional plan, the planning
21 commission and governing body shall take account of and shall
22 seek to harmonize the needs of the region as a whole, the plans of
23 the counties and cities within the region, the plans and planning
24 activities of the state, federal and other public agencies and
25 nongovernmental agencies and organizations which affect or are
26 concerned with planning and development within the region.

27 (d) The regional plan shall provide for attaining and maintaining
28 federal, state, or local air and water quality standards, whichever
29 are strictest, in the respective portions of the region for which the
30 standards are applicable.

31 The agency may, however, adopt air or water quality standards
32 or control measures more stringent than the applicable state
33 implementation plan or the applicable federal, state, or local
34 standards for the region, if it finds that such additional standards
35 or control measures are necessary to achieve the purposes of this
36 compact. Each element of the regional plan, where applicable,
37 shall, by ordinance, identify the means and time schedule by which
38 air and water quality standards will be attained.

39 (e) Except for the Regional Transportation Plan of the California
40 Tahoe Regional Planning Agency, the regional plan, ordinances,

rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. The plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall ~~insure~~ *ensure* that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to ~~assure~~ *ensure* a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of

1 local government, of state and federal agencies, of educational
2 institutions and research organizations, whether public or private,
3 and of civic groups and private persons.

4
5 ARTICLE VI. AGENCY'S POWERS
6

7 (a) The governing body shall adopt all necessary ordinances,
8 rules, and regulations to effectuate the adopted regional plan.
9 Except as otherwise provided in this compact, every such
10 ordinance, rule or regulation shall establish a minimum standard
11 applicable throughout the region. Any political subdivision or
12 public agency may adopt and enforce an equal or higher
13 requirement applicable to the same subject of regulation in its
14 territory. The regulations of the agency shall contain standards
15 including, but not limited to, the following: water purity and clarity;
16 subdivision; zoning; tree removal; solid waste disposal; sewage
17 disposal; landfills, excavations, cuts and grading; piers, harbors,
18 breakwaters or channels and other shoreline developments; waste
19 disposal in shoreline areas; waste disposal from boats; mobilehome
20 parks; house relocation; outdoor advertising; flood plain protection;
21 soil and sedimentation control; air pollution; and watershed
22 protection. Whenever possible without diminishing the
23 effectiveness of the regional plan, the ordinances, rules, regulations
24 and policies shall be confined to matters which are general and
25 regional in application, leaving to the jurisdiction of the respective
26 states, counties and cities the enactment of specific and local
27 ordinances, rules, regulations and policies which conform to the
28 regional plan.

29 The agency shall prescribe by ordinance those activities which
30 it has determined will not have substantial effect on the land, water,
31 air, space or any other natural resources in the region and therefore
32 will be exempt from its review and approval.

33 Every ordinance adopted by the agency shall be published at
34 least once by title in a newspaper or combination of newspapers
35 whose circulation is general throughout the region. Except an
36 ordinance adopting or amending the regional plan, no ordinance
37 shall become effective until 60 days after its adoption. Immediately
38 after its adoption, a copy of each ordinance shall be transmitted to
39 the governing body of each political subdivision having territory
40 within the region.

1 (b) No project other than those to be reviewed and approved
2 under the special provisions of subdivisions (d), (e), (f) and (g)
3 may be developed in the region without obtaining the review and
4 approval of the agency and no project may be approved unless it
5 is found to comply with the regional plan and with the ordinances,
6 rules and regulations enacted pursuant to subdivision (a) to
7 effectuate that plan.

8 The agency may approve a project in the region only after
9 making the written findings required by this subdivision or
10 subdivision (g) of Article V. Such findings shall be based on
11 substantial evidence in the record.

12 Before adoption by the agency of the ordinances required in
13 subdivision (g) of Article V, the agency may approve a project in
14 the region only after making written findings on the basis of
15 substantial evidence in the record that the project is consistent with
16 the regional plan then in effect and with applicable plans,
17 ordinances, regulations and standards of federal and state agencies
18 relating to the protection, maintenance and enhancement of
19 environmental quality in the region.

20 (c) The Legislatures of the States of California and Nevada find
21 that in order to make effective the regional plan as revised by the
22 agency, it is necessary to halt temporarily works of development
23 in the region which might otherwise absorb the entire capability
24 of the region for further development or direct it out of harmony
25 with the ultimate plan. Subject to the limitation provided in this
26 subdivision, from the effective date of the amendments to this
27 compact until the regional plan is amended pursuant to subdivision
28 (c) of Article V, or until May 1, 1983, whichever is earlier:

29 (1) Except as otherwise provided in this paragraph, no new
30 subdivision, planned unit development, or condominium project
31 may be approved unless a complete tentative map or plan has been
32 approved before the effective date of the amendments to this
33 compact by all agencies having jurisdiction. The subdivision of
34 land owned by a general improvement district, which existed and
35 owned the land before the effective date of the amendments to this
36 compact, may be approved if subdivision of the land is necessary
37 to avoid insolvency of the district.

38 (2) Except as provided in paragraph (3), no apartment building
39 may be erected unless the required permits for such building have

1 been secured from all agencies having jurisdiction, prior to the
2 effective date of the amendments to this compact.

3 (3) During each of the calendar years 1980, 1981, and 1982 no
4 city or county may issue building permits which authorize the
5 construction of a greater number of new residential units within
6 the region than were authorized within the region by building
7 permits issued by that city or county during *the* calendar year 1978.
8 For the period of January through April; 1983, building permits
9 authorizing the construction of no more than one-third of that
10 number may be issued by each such city or county. For purposes
11 of this paragraph, a “residential unit” means either a single family
12 residence or an individual residential unit within a larger building,
13 such as an apartment building, a duplex, or a condominium.

14 The Legislatures find the respective numbers of residential units
15 authorized within the region during *the* calendar year 1978 to be
16 as follows:

17		
18	1. City of South Lake Tahoe and El Dorado County	
19	(combined)	252
20	2. Placer County	278
21	3. Carson City	0
22	4. Douglas County	339
23	5. Washoe County	739
24		

25 (4) During each of the calendar years 1980, 1981, and 1982, no
26 city or county may issue building permits which authorize
27 construction of a greater square footage of new commercial
28 buildings within the region than were authorized within the region
29 by building permits for commercial purposes issued by that city
30 or county during the calendar year 1978. For the period of January
31 through April; 1983, building permits authorizing the construction
32 of no more than one-third the amount of that square footage may
33 be issued by each such city or county.

34 The Legislatures find the respective square footages of
35 commercial buildings authorized within the region during *the*
36 calendar year 1978 to be as follows:

37		
38	1. City of South Lake Tahoe and El Dorado County	
39	(combined)	64,324
40	2. Placer County	23,000

1	3. Carson City	0
2	4. Douglas County	57,354
3	5. Washoe County	50,600

4

5 (5) No structure may be erected to house gaming under a
6 nonrestricted license.

7 (6) No facility for the treatment of sewage may be constructed
8 or enlarged except:

9 (A) To comply, as ordered by the appropriate state agency for
10 the control of water pollution, with existing limitations of effluence
11 under the *federal Clean Water Act, 33 Act* (33 U.S.C. Sec. 1251
12 ~~et seq.~~, *seq.*) and the applicable state law for control of water
13 pollution; or

14 (B) To accommodate development which is not prohibited or
15 limited by this subdivision; or

16 (C) In the case of Douglas County Sewer District #1, to modify
17 or otherwise alter sewage treatment facilities existing on the
18 effective date of the amendments to this compact so that such
19 facilities will be able to treat the total volume of effluence for
20 which they were originally designed which is 3.0 mgd. Such
21 modification or alteration is not a “project”; is not subject to the
22 requirements of Article VII; and does not require a permit from
23 the agency. Before commencing that modification or alternative,
24 however, the district shall submit to the agency its report
25 identifying any significant soil erosion problems that may be
26 caused by such modifications or alterations and the measures that
27 the district proposes to take to mitigate or avoid such problems.

28 The moratorium imposed by this subdivision does not apply to
29 work done pursuant to a right vested before the effective date of
30 the amendments to this compact. Notwithstanding the expiration
31 date of the moratorium imposed by this subdivision, no new
32 highway may be built or existing highway widened to
33 accommodate additional continuous lanes for automobiles until
34 the regional transportation plan is revised and adopted.

35 The moratorium imposed by this subdivision does not apply to
36 the construction of any parking garage that has been approved by
37 the agency prior to May 4, 1979, whether that approval was
38 affirmative or by default. The provisions of this paragraph are not
39 an expression of legislative intent that any such parking garage,
40 the approval of which is the subject of litigation which was pending

1 on the effective date of the amendments to this compact, should,
2 or should not, be constructed. The provisions of this paragraph are
3 intended solely to permit construction of such a parking garage if
4 judgment sustaining the agency's approval to construct that parking
5 garage has become final and no appeal is pending or may lawfully
6 be taken to a higher court.

7 (d) Subject to the final order of any court of competent
8 jurisdiction entered in litigation contesting the validity of an
9 approval by the Tahoe Regional Planning Agency, whether that
10 approval was affirmative or by default, if that litigation was
11 pending on May 4, 1979, the agency and the States of California
12 and Nevada shall recognize as a permitted and conforming use:

13 (1) Every structure housing gaming under a nonrestricted license
14 which existed as a licensed gaming establishment on May 4, 1979,
15 or whose construction was approved by the Tahoe Regional
16 Planning Agency affirmatively or deemed approved before that
17 date. The construction or use of any structure to house gaming
18 under a nonrestricted license not so existing or approved, or the
19 enlargement in cubic volume of any such existing or approved
20 structure is prohibited.

21 (2) Every other nonrestricted gaming establishment whose use
22 was seasonal and whose license was issued before May 4, 1979,
23 for the same season and for the number and type of games and slot
24 machines on which taxes or fees were paid in the calendar year
25 1978.

26 (3) Gaming conducted pursuant to a restricted gaming license
27 issued before May 4, 1979, to the extent permitted by that license
28 on that date. The area within any structure housing gaming under
29 a nonrestricted license which may be open to public use (as distinct
30 from that devoted to the private use of guests and exclusive of any
31 parking area) is limited to the area existing or approved for public
32 use on May 4, 1979. Within these limits, any external modification
33 of the structure which requires a permit from a local government
34 also requires approval from the agency. The agency shall not permit
35 restaurants, convention facilities, showrooms or other public areas
36 to be constructed elsewhere in the region outside the structure in
37 order to replace areas existing or approved for public use on May
38 4, 1979.

39 (e) Any structure housing licensed gaming may be rebuilt or
40 replaced to a size not to exceed the cubic volume, height and land

1 coverage existing or approved on May 4, 1979, without the review
2 or approval of the agency or any planning or regulatory authority
3 of the State of Nevada whose review or approval would be required
4 for a new structure.

5 (f) The following provisions apply to any internal or external
6 modification, remodeling, change in use, or repair of a structure
7 housing gaming under a nonrestricted license which is not
8 prohibited by subdivision (d):

9 (1) The agency's review of an external modification of the
10 structure which requires a permit from a local government is
11 limited to determining whether the external modification will do
12 any of the following:

13 (A) Enlarge the cubic volume of the structure;

14 (B) Increase the total square footage of area open to or approved
15 for public use on May 4, 1979;

16 (C) Convert an area devoted to the private use of guests to an
17 area open to public use;

18 (D) Increase the public area open to public use which is used
19 for gaming beyond the limits contained in paragraph (3); and

20 (E) Conflict with or be subject to the provisions of any of the
21 agency's ordinances that are generally applicable throughout the
22 region.

23 The agency shall make this determination within 60 days after
24 the proposal is delivered to the agency in compliance with the
25 agency's rules or regulations governing such delivery unless the
26 applicant has agreed to an extension of this time limit. If an external
27 modification is determined to have any of the effects enumerated
28 in subparagraphs (A) through (C), it is prohibited. If an external
29 modification is determined to have any of the effects enumerated
30 in ~~subparagraphs~~ *subparagraph* (D) or (E), it is subject to the
31 applicable provisions of this compact. If an external modification
32 is determined to have no such effect, it is not subject to the
33 provisions of this compact.

34 (2) Except as provided in paragraph (3), internal modification,
35 remodeling, change in use, or repair of a structure housing gaming
36 under a nonrestricted license is not a project and does not require
37 the review or approval of the agency.

38 (3) Internal modification, remodeling, change in use or repair
39 of areas open to the public use within a structure housing gaming
40 under a nonrestricted license which alone or in combination with

1 any other such modification, remodeling, change in use or repair
2 will increase the total portion of those areas which are used for
3 gaming by more than the product of the total base area, as defined
4 below, in square feet existing on or approved before August 4,
5 1980, multiplied by 15 percent constitutes a project and is subject
6 to all of the provisions of this compact relating to projects. For
7 purposes of this paragraph and the determination required by
8 subdivision (g), base area means all of the area within a structure
9 housing gaming under a nonrestricted license which may be open
10 to public use, whether or not gaming is actually conducted or
11 carried on in that area, except retail stores, convention centers and
12 meeting rooms, administrative offices, kitchens, maintenance and
13 storage areas, rest rooms, engineering and mechanical rooms,
14 accounting rooms and counting rooms.

15 (g) In order to administer and enforce the provisions of
16 subdivisions (d), (e) and (f), the State of Nevada, through its
17 appropriate planning or regulatory agency, shall require the owner
18 or licensee of a structure housing gaming under a nonrestricted
19 license to provide:

20 (1) Documents containing sufficient information for the Nevada
21 agency to establish the following relative to the structure:

22 (A) The location of its external walls;

23 (B) Its total cubic volume;

24 (C) Within its external walls, the area in square feet open or
25 approved for public use and the area in square feet devoted to or
26 approved for the private use of guests on May 4, 1979;

27 (D) The amount of surface area of land under the structure; and

28 (E) The base area as defined in paragraph (3) of subdivision (f)
29 in square feet existing on or approved before August 4, 1980.

30 (2) An informational report whenever any internal modification,
31 remodeling, change in use, or repair will increase the total portion
32 of the areas open to public use which is used for gaming.

33 The Nevada agency shall transmit this information to the Tahoe
34 Regional Planning Agency.

35 (h) Gaming conducted pursuant to a restricted gaming license
36 is exempt from review by the agency if it is incidental to the
37 primary use of the premises.

38 (i) The provisions of subdivisions (d) and (e) are intended only
39 to limit gaming and related activities as conducted within a gaming
40 establishment, or construction designed to permit the enlargement

1 of such activities, and not to limit any other use of property zoned
2 for commercial use or the accommodation of tourists, as approved
3 by the agency.

4 (j) Legal actions arising out of or alleging a violation of the
5 provisions of this compact, of the regional plan or of an ordinance
6 or regulation of the agency or of a permit or a condition of a permit
7 issued by the agency are governed by the following provisions:

8 (1) This subdivision applies to:

9 (A) Actions arising out of activities directly undertaken by the
10 agency.

11 (B) Actions arising out of the issuance to a person of a lease,
12 permit, license or other entitlement for use by the agency.

13 (C) Actions arising out of any other act or failure to act by any
14 person or public agency.

15 Those legal actions may be filed and the provisions of this
16 subdivision apply equally in the appropriate courts of California
17 and Nevada and of the United States.

18 (2) Venue lies:

19 (A) If a civil or criminal action challenges an activity by the
20 agency or any person which is undertaken or to be undertaken
21 upon a parcel of real property, in the state or federal judicial district
22 where the real property is situated.

23 (B) If an action challenges an activity which does not involve
24 a specific parcel of land (such as an action challenging an ordinance
25 of the agency), in any state or federal court having jurisdiction
26 within the region.

27 (3) Any aggrieved person may file an action in an appropriate
28 court of the State of California or Nevada or of the United States
29 alleging noncompliance with the provisions of this compact or
30 with an ordinance or regulation of the agency. In the case of
31 governmental agencies, “aggrieved person” means the Tahoe
32 Regional Planning Agency or any state, federal or local agency.
33 In the case of any person other than a governmental agency who
34 challenges an action of the Tahoe Regional Planning Agency,
35 “aggrieved person” means any person who has appeared, either in
36 person, through an authorized representative, or in writing, before
37 the agency at an appropriate administrative hearing to register
38 objection to the action which is being challenged, or who had good
39 cause for not making such an appearance.

1 (4) A legal action arising out of the adoption or amendment of
2 the regional plan or of any ordinance or regulation of the agency,
3 or out of the granting or denial of any permit, shall be commenced
4 within 60 days after final action by the agency. All other legal
5 actions shall be commenced within 65 days after discovery of the
6 cause of action.

7 (5) (A) In any legal action filed pursuant to this subdivision
8 that challenges an adjudicatory act or decision of the agency to
9 approve or disapprove a project, the scope of judicial inquiry shall
10 extend only to whether there was prejudicial abuse of discretion.
11 Prejudicial abuse of discretion is established if the agency has not
12 proceeded in a manner required by law or if the act or decision of
13 the agency was not supported by substantial evidence in light of
14 the whole record. In making such a determination the court shall
15 not exercise its independent judgment on evidence but shall only
16 determine whether the act or decision was supported by substantial
17 evidence in light of the whole record. In any legal action filed
18 pursuant to this subdivision that challenges a legislative act or
19 decision of the agency (such as the adoption of the regional plan
20 and the enactment of implementing ordinances), the scope of the
21 judicial inquiry shall extend only to the questions of whether the
22 act or decision has been arbitrary, capricious or lacking substantial
23 evidentiary support or whether the agency has failed to proceed
24 in a manner required by law.

25 (B) (i) When adopting or amending a regional plan, the agency
26 shall act in accordance with the requirements of the compact and
27 its implementing ordinances, rules, and regulations, and a party
28 challenging the regional plan has the burden of showing that the
29 regional plan is not in conformance with those requirements.

30 (ii) When taking an action or making a decision, the agency
31 shall act in accordance with the requirements of the compact and
32 the regional plan, including its implementing ordinances, rules,
33 and regulations, and a party challenging the action or decision has
34 the burden of showing that the act or decision is not in conformance
35 with those requirements.

36 (6) The provisions of this subdivision do not apply to any legal
37 proceeding pending on the date when this subdivision becomes
38 effective. Any such legal proceeding shall be conducted and
39 concluded under the provisions of law which were applicable prior
40 to the effective date of this subdivision.

1 (7) The security required for the issuance of a temporary
2 restraining order or preliminary injunction based upon an alleged
3 violation of this compact or any ordinance, plan, rule or regulation
4 adopted pursuant thereto is governed by the rule or statute
5 applicable to the court in which the action is brought unless the
6 action is brought by a public agency or political subdivision to
7 enforce its own rules, regulations and ordinances in which case
8 no security shall be required.

9 (k) The agency shall monitor activities in the region and may
10 bring enforcement actions in the region to ensure compliance with
11 the regional plan and adopted ordinances, rules, regulations and
12 policies. If it is found that the regional plan, or ordinances, rules,
13 regulations and policies are not being enforced by a local
14 jurisdiction, the agency may bring action in a court of competent
15 jurisdiction to ensure compliance.

16 (l) Any person who violates any provision of this compact or
17 of any ordinance or regulation of the agency or of any condition
18 of approval imposed by the agency is subject to a civil penalty not
19 to exceed five thousand dollars (\$5,000). Any such person is
20 subject to an additional civil penalty not to exceed five thousand
21 dollars (\$5,000) per day, for each day on which such a violation
22 persists. In imposing the penalties authorized by this subdivision,
23 the court shall consider the nature of the violation and shall impose
24 a greater penalty if it was willful or resulted from gross negligence
25 than if it resulted from inadvertence or simple negligence.

26 (m) The agency is hereby empowered to initiate, negotiate and
27 participate in contracts and agreements among the local
28 governmental authorities of the region, or any other
29 intergovernmental contracts or agreements authorized by state or
30 federal law.

31 (n) Each intergovernmental contract or agreement shall provide
32 for its own funding and staffing, but this shall not preclude financial
33 contributions from the local authorities concerned or from
34 supplementary sources.

35 (o) Every record of the agency, whether public or not, shall be
36 open for examination to the Legislature and Controller of the State
37 of California and the Legislative Auditor of the State of Nevada.

38 (p) Approval by the agency of any project expires three years
39 after the date of final action by the agency or the effective date of
40 the amendments to this compact, whichever is later, unless

1 construction is begun within that time and diligently pursued
2 thereafter, or the use or activity has commenced. In computing the
3 three-year period any period of time during which the project is
4 the subject of a legal action which delays or renders impossible
5 the diligent pursuit of that project shall not be counted. Any license,
6 permit or certificate issued by the agency which has an expiration
7 date shall be extended by that period of time during which the
8 project is the subject of such legal action as provided in this
9 subdivision.

10 (q) The governing body shall maintain a current list of real
11 property known to be available for exchange with the United States
12 or with other owners of real property in order to facilitate
13 exchanges of real property by owners of real property in the region.

14
15 ARTICLE VII. ENVIRONMENTAL IMPACT
16 STATEMENTS
17

18 (a) The Tahoe Regional Planning Agency when acting upon
19 matters that have a significant effect on the environment shall:

20 (1) Utilize a systematic, interdisciplinary approach which will
21 ~~insure~~ *ensure* the integrated use of the natural and social sciences
22 and the environmental design arts in planning and in
23 decisionmaking which may have an impact on man's environment;

24 (2) Prepare and consider a detailed environmental impact
25 statement before deciding to approve or carry out any project. The
26 detailed environmental impact statement shall include the
27 following:

28 (A) The significant environmental impacts of the proposed
29 project;

30 (B) Any significant adverse environmental effects which cannot
31 be avoided should the project be implemented;

32 (C) Alternatives to the proposed project;

33 (D) Mitigation measures which must be implemented to ~~assure~~
34 *ensure* meeting standards of the region;

35 (E) The relationship between local short-term uses of man's
36 environment and the maintenance and enhancement of long-term
37 productivity;

38 (F) Any significant irreversible and irretrievable commitments
39 of resources which would be involved in the proposed project
40 should it be implemented; and

1 (G) The growth-inducing impact of the proposed—project;
2 *project*.

3 (3) Study, develop and describe appropriate alternatives to
4 recommended courses of action for any project which involves
5 unresolved conflicts concerning alternative uses of available
6 resources;

7 (4) Make available to states, counties, municipalities, institutions
8 and individuals, advice and information useful in restoring,
9 maintaining and enhancing the quality of the region's environment;
10 and

11 (5) Initiate and utilize ecological information in the planning
12 and development of resource-oriented projects.

13 (b) Prior to completing an environmental impact statement, the
14 agency shall consult with and obtain the comments of any federal,
15 state or local agency which has jurisdiction by law or special
16 expertise with respect to any environmental impact involved.
17 Copies of such statement and the comments and views of the
18 appropriate federal, state and local agencies which are authorized
19 to develop and enforce environmental standards shall be made
20 available to the public and shall accompany the project through
21 the review processes. The public shall be consulted during the
22 environmental impact statement process and views shall be
23 solicited during a public comment period not to be less than 60
24 days.

25 (c) Any environmental impact statement required pursuant to
26 this article need not repeat in its entirety any information or data
27 which is relevant to such a statement and is a matter of public
28 record or is generally available to the public, such as information
29 contained in an environmental impact report prepared pursuant to
30 the California Environmental Quality Act or a federal
31 environmental impact statement prepared pursuant to the National
32 Environmental Policy Act of 1969. However, the information or
33 data shall be briefly described in the environmental impact
34 statement and its relationship to the environmental impact statement
35 shall be indicated.

36 In addition, any person may submit information relative to a
37 proposed project which may be included, in whole or in part, in
38 any environmental impact statement required by this article.

39 (d) In addition to the written findings specified by agency
40 ordinance to implement the regional plan, the agency shall make

1 either of the following written findings before approving a project
2 for which an environmental impact statement was prepared:

3 (1) Changes or alterations have been required in or incorporated
4 into such project which avoid or reduce the significant adverse
5 environmental effects to a less than significant level; or

6 (2) Specific considerations, such as economic, social or
7 technical, make infeasible the mitigation measures or project
8 alternatives discussed in the environmental impact statement on
9 the project.

10 A separate written finding shall be made for each significant
11 effect identified in the environmental impact statement on the
12 project. All written findings must be supported by substantial
13 evidence in the record.

14 (e) The agency may charge and collect a reasonable fee from
15 any person proposing a project subject to the provisions of this
16 compact in order to recover the estimated costs incurred by the
17 agency in preparing an environmental impact statement under this
18 article.

19 (f) The agency shall adopt by ordinance a list of classes of
20 projects which the agency has determined will not have a
21 significant effect on the environment and therefore will be exempt
22 from the requirement for the preparation of an environmental
23 impact statement under this article. Prior to adopting the list, the
24 agency shall make a written finding supported by substantial
25 evidence in the record that each class of projects will not have a
26 significant effect on the environment.

27 28 ARTICLE VIII. FINANCES 29

30 (a) On or before September 30 of each calendar year the agency
31 shall establish the amount of money necessary to support its
32 activities for the next succeeding fiscal year commencing July 1
33 of the following year. The agency shall apportion seventy-five
34 thousand dollars (\$75,000) of this amount among the counties
35 within the region on the same ratio to the total sum required as the
36 full cash valuation of taxable property within the region in each
37 county bears to the total full cash valuation of taxable property
38 within the region. In addition, each county within the region in
39 California shall pay eighteen thousand seven hundred fifty dollars
40 (\$18,750) to the agency and each county within the region in

1 Nevada, including Carson City, shall pay twelve thousand five
2 hundred dollars (\$12,500) to the agency, from any funds available
3 therefor. The State of California and the State of Nevada may pay
4 to the agency by July 1, of each year any additional sums necessary
5 to support the operations of the agency pursuant to this compact.
6 If additional funds are required, the agency shall make a request
7 for the funds to the States of California and Nevada. Requests for
8 state funds must be apportioned two-thirds from California and
9 one-third from Nevada. Money appropriated shall be paid within
10 30 days.

11 (b) The agency may fix and collect reasonable fees for any
12 services rendered by it.

13 (c) The agency shall submit an itemized budget to the states for
14 review with any request for state funds, shall be strictly accountable
15 to any county in the region and the states for all funds paid by them
16 to the agency and shall be strictly accountable to all participating
17 bodies for all receipts and disbursement.

18 (d) The agency is authorized to receive gifts, donations,
19 subventions, grants, and other financial aids and funds; but the
20 agency may not own land except as provided in subdivision (i) of
21 Article III.

22 (e) The agency shall not obligate itself beyond the moneys due
23 under this article for its support from the several counties and the
24 states for the current fiscal year, plus any moneys on hand or
25 irrevocably pledged to its support from other sources. No obligation
26 contracted by the agency shall bind either of the party states or
27 any political subdivision thereof.

28 29 ARTICLE IX. TRANSPORTATION DISTRICT 30

31 (a) The Tahoe Transportation District is hereby established as
32 a special purpose district authorized and operating under the federal
33 authority provided by Public Law 96-551. The boundaries of the
34 district are conterminous with those of the region as established
35 under Public Law 96-551 for the Tahoe Regional Planning Agency.

36 (b) The business of the district shall be managed by a board of
37 directors consisting of the following members:

38 (1) One member of the Board of Supervisors of each of the
39 Counties of El Dorado and Placer appointed by the respective
40 board of supervisors.

1 (2) One member of the City Council of South Lake Tahoe
2 appointed by the city council.

3 (3) One member each of the Board of County Commissioners
4 of Douglas County and Washoe County appointed by the respective
5 board of county commissioners.

6 (4) One member of the Board of Supervisors of Carson City
7 appointed by the board of supervisors.

8 (5) One member of the South Shore Transportation Management
9 Association, or its successor organization, appointed by the
10 association.

11 (6) One member of the North Shore Transportation Management
12 Association, or its successor organization, appointed by the
13 association.

14 (7) One member of each local transportation district in the region
15 that is authorized by the State of Nevada or the State of California.

16 (8) One member appointed by a majority of the other voting
17 directors who represents a public or private transportation system
18 operating in the region.

19 (9) The Director of the Department of Transportation of the
20 State of California.

21 (10) The Director of the Department of Transportation of the
22 State of Nevada.

23 (c) Any appointing authority may designate an alternate.

24 (d) Before a member is appointed pursuant to paragraph (7) of
25 subdivision (b), the local transportation district of which the person
26 is a member and the Tahoe Transportation District shall agree in
27 writing on the allocation of fiscal and policy responsibilities
28 between the two entities, including, but not limited to, the
29 distribution of revenue.

30 (e) The Director of the Department of Transportation of the
31 State of California and the Director of the Department of
32 Transportation of the State of Nevada shall serve as nonvoting
33 directors, but shall provide technical and professional advice to
34 the district as necessary and appropriate.

35 (f) The affirmative vote of at least a majority of the directors
36 shall be required for the transaction of any business of the board
37 of directors. If a majority of votes in favor of an action are not
38 cast, an action of rejection shall be deemed to have been taken.

39 (g) The district may by resolution establish procedures for the
40 adoption of its budgets, the appropriation of money, and the

1 carrying on of its other financial activities. Those procedures shall
2 conform insofar as is practicable to the procedures for financial
3 administration of the State of California or the State of Nevada or
4 one or more of the local governments in the district.

5 (h) The district may, in accordance with its adopted
6 transportation plan, do all of the following:

7 (1) Own and operate a public transportation system to the
8 exclusion of all other publicly owned transportation systems in
9 the region.

10 (2) Own and operate support facilities for public or private
11 transportation systems, including, but not limited to, parking lots,
12 maintenance facilities, terminals, and related equipment, including
13 revenue collection devices.

14 (3) Acquire and enter into agreements to operate upon mutually
15 acceptable terms any public or private transportation system or
16 facility within the region.

17 (4) Hire the employees of existing public transportation systems
18 that are acquired by the district, without loss of benefits to the
19 employees, bargain collectively with the employees, and extend
20 pension and other collateral benefits to employees.

21 (5) Fix the rates and charges for transportation services provided
22 pursuant to this article.

23 (6) Issue revenue bonds and other evidence of indebtedness and
24 make other financial arrangements appropriate for developing and
25 operating a public transportation system.

26 (7) Contract with private companies to provide supplementary
27 transportation or provide any of the services needed in operating
28 a system of transportation for the region.

29 (8) Contract with local governments in the region to operate
30 transportation facilities and services under mutually agreeable
31 terms and conditions.

32 (9) By resolution, determine and propose for adoption a tax for
33 the purpose of obtaining services of the district. The proposed tax
34 shall be of general and of uniform operation throughout the region
35 and may not be graduated in any way, except for a sales and use
36 tax. If a sales and use tax is approved by the voters, as provided
37 in this paragraph, it may be administered through the State of
38 California and the State of Nevada, respectively, in accordance
39 with the laws that apply within their respective jurisdictions and
40 shall not exceed a rate of 1 percent of the gross receipts from the

1 sale of tangible personal property sold in the district. The district
2 is prohibited from imposing an ad valorem tax, a tax measured by
3 gross or net receipts on business, a tax or charge that is assessed
4 against persons or vehicles as they enter or leave the region, or
5 any tax, direct or indirect, on gaming tables and devices. Any such
6 proposition shall be submitted to the voters of the district and shall
7 become effective upon approval in accordance with the applicable
8 voter approval requirement for the voters voting on the proposition
9 who reside in the State of California and upon approval in
10 accordance with the applicable voter approval requirement for the
11 voters voting on the proposition who reside in the State of Nevada.
12 The revenues from the tax shall be used for the services for which
13 it was imposed and for no other purpose.

14 (10) Provide services from inside the region to convenient
15 airport, railroad, and bus terminals without regard to the boundaries
16 of the region.

17 (11) If the Legislature of the State of California or the State of
18 Nevada authorizes the creation of local transportation districts at
19 Lake Tahoe, these local districts shall be entitled to a voting seat
20 on the board of directors. Prior to assuming that seat, the local
21 district and the district shall agree in writing on the allocation of
22 fiscal and policy responsibilities between the two entities,
23 including, but not limited to, the distribution of any voter-approved
24 revenues. If a seat is assumed under this subdivision, the voting
25 requirements under subdivision (e) shall be deemed adjusted by
26 operation of law to require a majority vote to take action.

27 (12) The Legislature of the State of California and the
28 Legislature of the State of Nevada may, by substantially identical
29 enactments, amend this article.

30 ARTICLE X. MISCELLANEOUS

31
32
33 (a) It is intended that the provisions of this compact shall be
34 reasonably and liberally construed to effectuate the purposes
35 thereof. Except as provided in subdivision (c), the provisions of
36 this compact shall be severable and if any phrase, clause, sentence
37 or provision of this compact is declared to be contrary to the
38 Constitution of any participating state or of the United States or
39 the applicability thereof to any government, agency, person or
40 circumstance is held invalid, the validity of the remainder of this

compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the Constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriative water right.

SEC. 3. Section 66802 is added to the Government Code, to read:

66802. (a) The Legislature finds and declares all of the following:

(1) The State of California, by and through the Governor, agrees to cooperate with the State of Nevada in seeking to have amendments to Section 66801 made by Senate Bill 630 of the 2013–14 Regular Session ratified by Congress as amendments to the Tahoe Regional Planning Compact.

(2) The State of California supports the full implementation of the regional plan update adopted by the Tahoe Regional Planning Agency in December 2012.

(3) The State of California acknowledges the authority of either the State of California or the State of Nevada to withdraw from the Tahoe Regional Planning Compact pursuant to subdivision (c) of Article X of the compact, or pursuant to any other provision of the laws of each respective state.

(b) The Secretary of the Senate shall transmit certified copies of Senate Bill 630 of the 2013–14 Regular Session to the Governor of the State of Nevada and the governing body of the Tahoe

1 Regional Planning Agency, and shall also provide two certified
2 copies of that legislation to the Secretary of the State of Nevada
3 for delivery to the respective houses of its Legislature.

4 *SEC. 4. Section 67126 is added to the Government Code, to*
5 *read:*

6 *67126. (a) The agency shall annually prepare and submit to*
7 *the Department of Finance and to the appropriate legislative*
8 *budget committees a report, in a format established by the*
9 *Department of Finance, of the revenues provided to the agency by*
10 *the States of Nevada and California, including a complete summary*
11 *and explanation of the revenues received and expended by the*
12 *agency.*

13 *(b) (1) The report submitted pursuant to subdivision (a) shall*
14 *be submitted in compliance with Section 9795.*

15 *(2) Pursuant to Section 10231.5, this section is repealed on*
16 *January 1, 2018.*

17 ~~SEC. 4.~~

18 *SEC. 5. This act shall not become effective unless on or before*
19 *January 1, 2014, the Governor issues a written declaration stating*
20 *that the State of Nevada has enacted substantially similar legislation*
21 *to this act, and that the Nevada legislation became operative on or*
22 *before January 1, 2014.*